



General Assembly

February Session, 2022

**Raised Bill No. 5463**

LCO No. 3103



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL TO BRING AN ACTION AGAINST A SELLER WHO ENGAGES IN PRICE GOUGING DURING A DISASTER OR EMERGENCY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-230 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) As used in this section:

4 (1) "Seller" means a person, firm or corporation, including, but not  
5 limited to, a manufacturer, supplier, wholesaler, distributor or retailer;

6 (2) "Precipitating event" means a disaster or emergency declaration  
7 issued by the Governor pursuant to chapter 517, a transportation  
8 emergency declaration issued by the Governor pursuant to section 3-6b  
9 or any major disaster or emergency declaration issued by the President  
10 of the United States; and

11 (3) "Unconscionably excessive price" means (A) there is a gross  
12 disparity between the price for which an item was sold, rented or leased

13 immediately prior to the precipitating event or when the precipitating  
14 event was reasonably anticipated, and the price for which such item is  
15 being sold, rented or leased during the period in which such  
16 precipitating event is in effect, and (B) the amount charged by the seller  
17 is not attributable to additional costs incurred by the seller in connection  
18 with the sale, rental or lease of an item.

19 (b) [No person, firm or corporation shall increase the price of any item  
20 which such person, firm or corporation sells or offers for sale at retail at  
21 any location in an area which is the subject of any disaster emergency  
22 declaration issued by the Governor pursuant to chapter 517, any  
23 transportation emergency declaration issued by the Governor pursuant  
24 to section 3-6b or any major disaster or emergency declaration issued by  
25 the President of the United States, until the period of emergency or  
26 disaster is declared by the Governor or the President to be at an end.  
27 Nothing in this section shall prohibit the fluctuation in the price of items  
28 sold at retail which occurs during the normal course of business. Any  
29 person, firm or corporation which violates any provision of this section  
30 shall be fined not more than ninety-nine dollars.] No seller shall sell,  
31 rent or lease, or offer to sell, rent or lease any item within the chain of  
32 distribution for an amount that represents an unconscionably excessive  
33 price at any location in an area which is the subject of any precipitating  
34 event. Any violation of the provisions of this section shall be deemed an  
35 unfair or deceptive trade practice under subsection (a) of section 42-110b  
36 and, if an enforcement action is brought on behalf of the state, such  
37 action shall be brought in the judicial district of Hartford. The Attorney  
38 General shall have exclusive authority on behalf of the state of  
39 Connecticut to enforce any violation of the provisions of this section.

40 Sec. 2. Subsection (b) of section 51-164n of the 2022 supplement to the  
41 general statutes is repealed and the following is substituted in lieu  
42 thereof (*Effective July 1, 2022*):

43 (b) Notwithstanding any provision of the general statutes, any person  
44 who is alleged to have committed (1) a violation under the provisions of  
45 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-

46 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-  
47 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)  
48 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-  
49 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,  
50 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253  
51 or 13a-263, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-  
52 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,  
53 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection  
54 (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-  
55 34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,  
56 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)  
57 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,  
58 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first  
59 violation as specified in subsection (f) of section 14-164i, section 14-219  
60 as specified in subsection (e) of said section, subdivision (1) of section  
61 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-  
62 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or  
63 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-  
64 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or  
65 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-  
66 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,  
67 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section  
68 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-  
69 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section  
70 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-  
71 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-  
72 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-  
73 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334,  
74 section 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43,  
75 21-47, 21-48, 21-63, subsection (d) of section 21-71 or section 21-76a,  
76 subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section  
77 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26  
78 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63  
79 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,  
80 subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,

81 subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-  
82 421fff, 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-30, 22-34, 22-  
83 35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision  
84 (1) of subsection (n) of section 22-61l, subsection (f) of section 22-61m,  
85 subdivision (1) of subsection (f) of section 22-61m, subsection (d) of  
86 section 22-84, section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o,  
87 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a,  
88 22-318a, 22-320h, 22-324a, 22-326, subsection (b), subdivision (1) or (2) of  
89 subsection (e) or subsection (g) of section 22-344, subdivision (2) of  
90 subsection (b) of section 22-344b, subsection (d) of section 22-344c,  
91 subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-  
92 359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection  
93 (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363  
94 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,  
95 22a-461, 23-4b, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)  
96 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of  
97 section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-  
98 40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of  
99 subsection (d) of section 26-61, section 26-64, subdivision (1) of section  
100 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-  
101 105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision  
102 (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a,  
103 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,  
104 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-  
105 6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of  
106 section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-  
107 198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,  
108 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,  
109 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,  
110 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or  
111 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or  
112 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of  
113 section 35-20, section 36a-787, [42-230,] 45a-283, 45a-450, 45a-634 or 45a-  
114 658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22,  
115 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-

116 249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-  
117 323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450,  
118 or (2) a violation under the provisions of chapter 268, or (3) a violation  
119 of any regulation adopted in accordance with the provisions of section  
120 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation  
121 or bylaw of any town, city or borough, except violations of building  
122 codes and the health code, for which the penalty exceeds ninety dollars  
123 but does not exceed two hundred fifty dollars, unless such town, city or  
124 borough has established a payment and hearing procedure for such  
125 violation pursuant to section 7-152c, shall follow the procedures set  
126 forth in this section.

127       Sec. 3. Subsection (f) of section 42-110d of the general statutes is  
128 repealed and the following is substituted in lieu thereof (*Effective from*  
129 *passage*):

130       (f) The commissioner or the Attorney General or their employees  
131 shall disclose, in accordance with the provisions of the Freedom of  
132 Information Act, as defined in section 1-200, all records concerning the  
133 investigation of any alleged violation of any provision of this chapter,  
134 including, but not limited to, any complaint initiating an investigation  
135 and all records of the disposition or settlement of a complaint. For  
136 purposes of this section, "disposition" shall include the following action  
137 or nonaction with respect to any complaints or investigations: (A) No  
138 action taken because of (i) a lack of jurisdiction; (ii) unsubstantiated  
139 allegations or (iii) a lack of sufficient information to draw a conclusion,  
140 as determined by the commissioner, after investigation; (B) referral to  
141 another state agency, or to a federal or local agency, or to law  
142 enforcement authorities; (C) an acceptance of an assurance of voluntary  
143 compliance in accordance with the provisions of section 42-110j; and (D)  
144 formal action taken, including the institution of administrative  
145 proceedings pursuant to subsection (d) of this section or court  
146 proceedings pursuant to section 42-110m, 42-110o or 42-110p. The  
147 commissioner may withhold such records from disclosure during the  
148 pendency of an investigation or examination held in accordance with  
149 subsection (a) of this section, but in no event shall the commissioner

150 withhold disclosure any such records [longer than a period of eighteen  
151 months after the date on which the initial complaint was filed with the  
152 commissioner or after the date on which the investigation or  
153 examination was commenced, whichever is earlier] after the date on  
154 which the investigation is closed. Nothing herein shall be deemed to  
155 affect the rights of litigants, including parties to administrative  
156 proceedings, under the laws of discovery of this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	42-230
Sec. 2	<i>July 1, 2022</i>	51-164n(b)
Sec. 3	<i>from passage</i>	42-110d(f)

**Statement of Purpose:**

To permit the Office of the Attorney General to bring an action against a seller who engages in price gouging during a disaster or emergency.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*